

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARIO J. REYES, :  
Plaintiff, :  
-against- :  
: :  
: 22-CV-7127 (VSB)  
VICTORY'S FLAVOR CORP., a New York :  
corporation, d/b/a VILLAGE CREPERIE, and 145 : **ORDER**  
AVENUE A REALTY LLC, a New York limited :  
liability company, :  
: :  
Defendants. :  
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VERNON S. BRODERICK, United States District Judge:

Plaintiff filed this action on August 21, 2022, (Doc. 1.) Plaintiff filed an amended complaint on November 16, 2022, (Doc. 12), and filed an affidavit of service as to both Victory's Flavor Corporation and 145 Avenue A Realty LLC on December 17, 2022, (Docs. 13, 14). The deadline for Defendants to respond to Plaintiff's amended complaint was December 19, 2022, but no such answer was filed by either Defendant. (*See* Docs. 13, 14.) On December 23, 2022, I prompted Plaintiff to seek default judgment against Defendants by January 6, 2023, (Doc. 15), however, Plaintiff requested an additional 45 days to allow Defendants to respond, (Doc. 16). On March 2, 2023, counsel for 145 Avenue A Realty LLC filed a notice of appearance and answer to the amended complaint. (*See* Docs. 21, 23.) To date, Defendant Victory's Flavor Corporation has not filed an answer or otherwise responded to the amended complaint. Accordingly, if Plaintiff intends to seek a default judgment, they are directed to do so in accordance with Rule 4(H) of my Individual Rules and Practices in Civil Cases by no later than April 12, 2023. If Plaintiff fails to do so or otherwise demonstrate that they intend to prosecute this litigation, I may dismiss this case for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

SO ORDERED.

Dated: April 5, 2023  
New York, New York

  
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VERNON S. BRODERICK  
United States District Judge